

VAC -1961

W. 63rd Street from
Concord Avenue to
Virginia Avenue

5-22-61
CND

PUBLIC HEARING ON PROPOSED VACATION OF U.63RD STREET FROM CONCORD AVENUE TO VIRGINIA AVENUE. Clerk presented Affidavits of Publication, Posting and Mailing of Notice of Public Hearing, which were approved as to form and ordered placed on file; and, pursuant to said Notice, Public Hearing was conducted on proposed Vacation. It was explained that there is no petition for this Vacation; that Hearing has been initiated on Council's own motion, relative to the improvement of streets in the general area; that Greenwood Service Drive is proposed to go just south of this street and street will not be needed for traffic movement; that none of the residences abutting the street oppose it. Mr. A. L. MacLennan, 6232 Concord Avenue, told Council that this particular street has been cut through, so that in effect there is a 30-foot ditch. He asked if it is possible that it could be restored by the Village. Mr. Braden answered in the negative, but on Mr. MacLennan's comment that considerable fill should be available from the curb and gutter work soon to be done in the immediate neighborhood and it might be reasonable to put it into the ditch rather than haul it off, Manager Hyde and Council agreed that, under those circumstances, fill could be made. Mr. MacLennan was told that the dedicated street would revert to the property owners; then asked if this would mean liability for any past assessments, and was told that no such liability would incur. Lastly, Mr. MacLennan inquired as to whether abutting property owners would be obliged to pay an assessment on the "vacated street" portion for the surfacing and curbing of Concord Avenue. He was informed that there should be no objection to relief from this assessment inasmuch as Estimate of Cost has been given without assessment for this strip. Mr. MacLennan's contention that this property should bear no assessment was on the basis that owners of abutting properties are not materially benefited by the additional property to be gained by the vacation; that it will add nothing to re-sale value and will mean additional work and responsibility in caring for additional yard and for restoration of street. With understanding that Village will fill vacated street from neighborhood curb and gutter excess dirt, that no liability will incur for past special assessments, and that the abutting property owners will be relieved of assessment for Concord Avenue surfacing, Mr. MacLennan withdrew his objections to street vacation. There were no other objections registered, and none had been received prior to Hearing. Trustee Tupa suggested that utilities easement be retained by the Village; and Dickson offered the following Resolution and moved its adoption:

**RESOLUTION VACATING STREET
U.63RD STREET, BETWEEN
CONCORD AND VIRGINIA AVENUES**

WHEREAS, two weeks' published notice and posted notice of a hearing to be had on the proposed Vacation of U.63rd Street between Concord Avenue and Virginia Avenue on May 22, 1961, at 7:00 p.m., has been given and made, and a hearing has been had thereon by the Village Council:

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Edina, Hennepin County, Minnesota, that U.63RD STREET, lying between the West right-of-way line of Concord Avenue and the East right-of-way line of Virginia Avenue, as platted and of record in the office of the Registrar of Deeds of Hennepin County, Minnesota, be, and is hereby vacated; provided, however, that this vacation shall not become effective nor the street be deemed vacated unless and until the Village of Edina has received a utilities easement ten feet in width, being five feet on either side of the centerline of said vacated street, said easement to be from such parties and in such form as to give the Village of Edina good and valid utilities easement as determined by the Village Attorney; and that upon receipt of such easement this resolution vacating said street, including, however, the proviso, shall be proposed and recorded.

Motion for adoption of Resolution was seconded by Tupa, and on Rollcall there were four ayes and no nays, as follows: Dickson, aye; Tupa, aye; VanValkenburg, aye; and Braden, aye; and the Resolution was adopted.

AYES:

Mayor

Village Clerk:

October 6, 1961

Mr. Thos. Erickson
Dorsey, Owen, Barber, Marquart & Windhorst
First National Bank Bldg.
Minneapolis, Minn.

Dear Mr. Erickson: Re: RESOLUTION VACATING W.63RD STREET

In compliance with your "recent" advice that all necessary utilities easements have been secured, we are enclosing herewith the above resolution, which will be recorded at your earliest opportunity, we trust.

Sorry to be so late with this transmittal.

Yours very truly,

Village Clerk

gsa

**RESOLUTION VACATING STREET
W.63RD STREET, BETWEEN
CONCORD AND VIRGINIA AVENUES**

WHEREAS, two weeks' published notice and posted notice of a hearing to be had on the proposed Vacation of W.63rd Street between Concord Avenue and Virginia Avenue on May 22, 1961, at 7:00 p.m., has been given and made, and a hearing has been had thereon by the Village Council:

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Edina, Hennepin County, Minnesota, that WEST 63RD STREET, lying between the West right-of-way line of Concord Avenue and the East right-of-way line of Virginia Avenue, as platted and of record in the office of the Register of Deeds of Hennepin County, Minnesota, be, and is hereby vacated.

Adopted this 22nd day of May, 1961.

ATTEST:

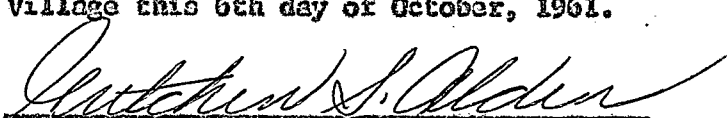
(Signed) GRETCHEN S. ALDEN
Village Clerk

(Signed) ARTHUR C. BREDESEN, JR.
Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
VILLAGE OF EDINA)

I, the undersigned, duly appointed and acting Village Clerk of the Village of Edina, Hennepin County, Minnesota, do hereby certify that I have compared the attached and foregoing "RESOLUTION VACATING STREET" with the original thereof on file in my office; and the same is a true and correct copy of such resolution as duly passed and adopted by the Edina Village Council at its regular meeting held Monday, May 22, 1961.

WITNESS my hand and the seal of this Village this 6th day of October, 1961.


Village Clerk - Village of Edina

May 23, 1961

Mr. Thomas Erickson
Dorsey, Owen, Barber, Marquart and Windhorst
First National Bank Bldg.
Minneapolis, Minn.

Dear Mr. Erickson: Re: Vacation of W. 63rd Street between
Concord and Virginia Avenues, subject
to utilities easement.

We are enclosing herewith transcript from Minutes of May 22nd
Council Meeting, together with a small plat showing the street
vacated and abutting properties. Our ownership records read as
follows:

REPLAT OF BLOCK 10, NORMANDALE:

Lot 1, Block 1 - L. P. Redburn, et al, 6300 Concord Ave.
Lot 14, Block 1 - John E. Haverly, et al, 4613 Concord Terrace

NORMANDALE

E1/2 Lot 5, Block 1 - A. L. MacLean et al, 6232 Concord Ave.
W1/2 Lot 5, Block 1 - O. V. Anderson et al, 6233 Virginia Ave.

Will you please contact these owners in an effort to secure
easement for us as soon as possible, so that we may proceed to
record the Vacation? If you will check with Joe Zikan, we feel sure
he will inform you as to the type of easement we want.

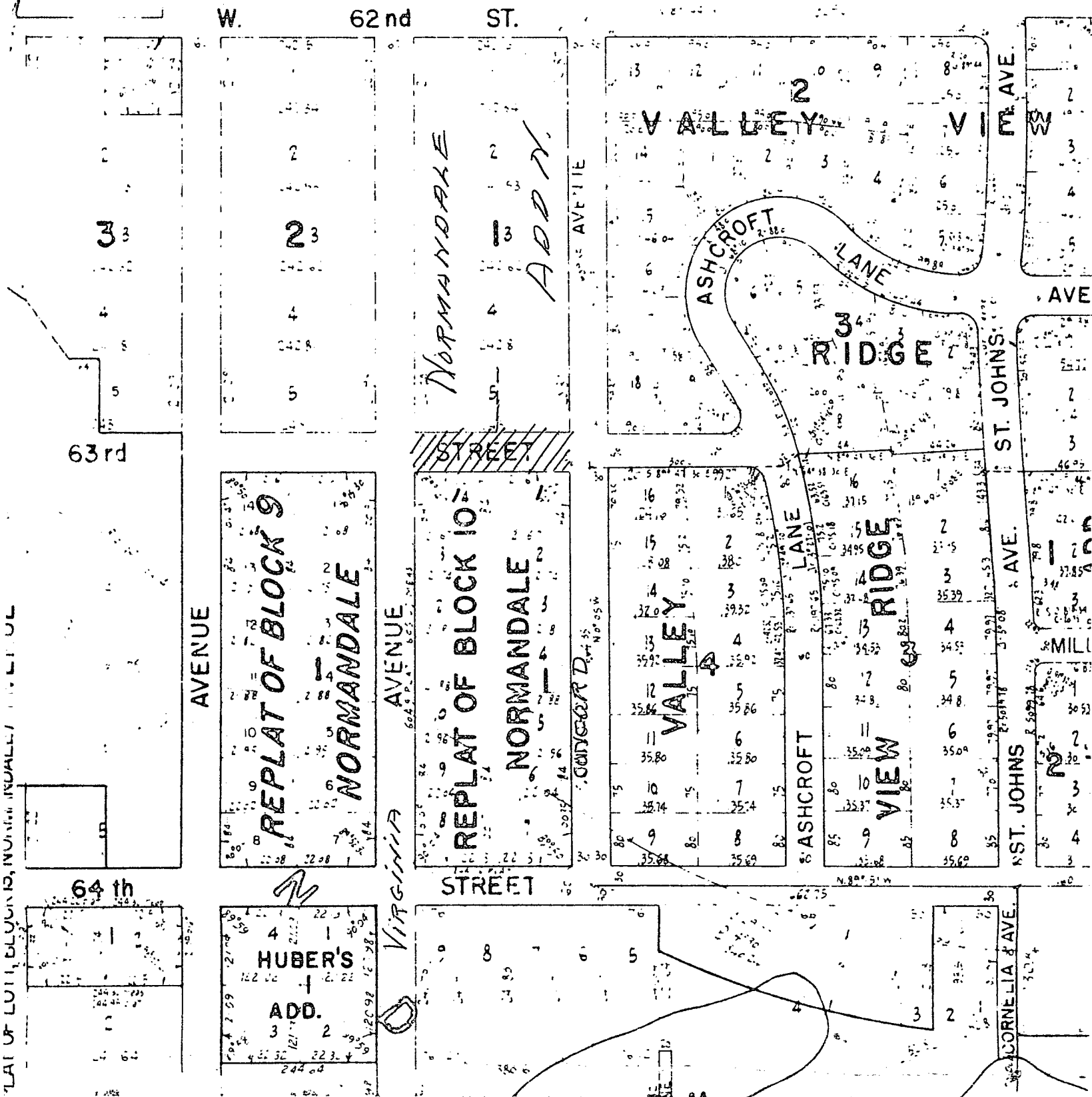
Yours very truly,

Village Clerk

gaa
cc - Zikan

N 1/2

REPLAT OF PART OF LOT 1,
BLOCK 3, NORMANDALE



objecting to double bungalow on grounds that "transient" facilities will devalue the entire neighborhood. Council asked Mr. Kreiser if petitioner is aware that Highway #169 may become a Village street and less heavily traveled; and, stating that he feels petitioner's request is premature in view of possible change of route of Highway #169, Dickson moved that request be tabled. Motion seconded by Tupa and carried. At this time additional petitions in protest were filed with Council and ordered placed on file.

PUBLIC HEARING ON PROPOSED VACATION OF W.63RD STREET FROM CONCORD AVENUE TO VIRGINIA AVENUE. Clerk presented Affidavits of Publication, Posting and Mailing of Notice of Public Hearing, which were approved as to form and ordered placed on file; and, pursuant to said Notice, Public Hearing was conducted on proposed Vacation. It was explained that there is no petition for this Vacation; that Hearing has been initiated on Council's own motion, relative to the improvement of streets in the general area; that Crosstown Service Drive is proposed to go just south of this street and street will not be needed for traffic movement; that none of the residences abutting the street faces it. Mr. A. L. MacLean, 6232 Concord Avenue, told Council that this particular street has been cut through, so that in effect there is a 30-foot ditch. He asked if it is possible that it could be restored by the Village. Mr. Bredesen answered in the negative, but on Mr. MacLean's comment that considerable fill should be available from the curb and gutter work soon to be done in the immediate neighborhood and it might be reasonable to put it into the ditch rather than haul it off, Manager Hyde and Council agreed that, under these circumstances, fill could be made. Mr. MacLean was told that the dedicated street would revert to the property owners; then asked if this would mean liability for any past assessments, and was told that no such liability would incur. Lastly, Mr. MacLean inquired as to whether abutting property owners would be obliged to pay an assessment on the "vacated street" portion for the surfacing and curbing of Concord Avenue. He was informed that there should be no objection to relief from this assessment inasmuch as Estimate of Cost has been given without assessment for this strip. Mr. MacLean's contention that this property should bear no assessment was on the basis that owners of abutting properties are not materially benefited by the additional property to be gained by the vacation; that it will add nothing to re-sale value and will mean additional work and responsibility in caring for additional yard and for restoration of street. With understanding that Village will fill vacated street from neighborhood curb and gutter excess dirt, that no liability will incur for past special assessments, and that the abutting property owners will be relieved of assessment for Concord Avenue surfacing, Mr. MacLean withdrew his objections to street vacation. There were no other objections registered, and none had been received prior to Hearing. Trustee Tupa suggested that utilities easement be retained by the Village; and Dickson offered the following Resolution and move its adoption:

RESOLUTION VACATING STREET
W.63RD STREET, BETWEEN
CONCORD AND VIRGINIA AVENUES

WHEREAS, two weeks' published notice and posted notice of a hearing to be had on the proposed Vacation of W.63rd Street between Concord Avenue and Virginia Avenue on May 22, 1961, at 7:00 p.m., has been given and made, and a hearing has been had thereon by the Village Council:

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Edina, Hennepin County, Minnesota, that W.63RD STREET, lying between the West right-of-way line of Concord Avenue and the East right-of-way line of Virginia Avenue, as platted and of record in the office of the Register of Deeds of Hennepin County, Minnesota, be, and is hereby vacated; provided, however, that this vacation shall not become effective nor the street be deemed vacated unless and until the Village of Edina has received a utilities easement ten feet in width, being five feet on either side of the centerline of said vacated street, said easement to be from such parties and in such form as to give the Village of Edina good and valid utilities easement as determined by the Village Attorney; and that upon receipt of such easement this resolution vacating said street, excluding, however, the proviso, shall be prepared and recorded.

Motion for adoption of Resolution was seconded by Tupa, and on Rollcall there were four ayes and no nays, as follows: Dickson, aye; Tupa, aye; VanValkenburg, aye; and Bredesen, aye; and the Resolution was adopted.

ATTEST:

Village Clerk

Mayor

AFFIDAVIT OF PUBLICATION

Edina-Morningside Courier

Edina, Minnesota

State of Minnesota }
County of Hennepin } SS.

JOHN E. TILTON, being duly sworn, on oath says: that he now is and during all the time herein-
stated has been JOHN E. TILTON, the publisher-----and printer-----of the newspaper known
as The Edina-Morningside Courier, and has full knowledge of the facts herein stated.

That for more than one year immediately prior to the publication therein of the printed

Notice of Public Hearing Re Proposed Street Vacation....

hereto attached, said newspaper was printed and published in the English language from its
known office of publication within the County of Hennepin, State of Minnesota, on Thursday of
each week in column and sheet form equivalent in space to 450 running inches of single column
two inches wide; has been issued from a known office established in said place of publication
equipped with skilled workmen and the necessary material for preparing and printing the same:
THE EDINA-MORNINGSIDE COURIER has had in its makeup not less than twenty-five percent
of its news columns devoted to local news of interest to said community it purports to serve, the
press work of which has been done in its said known place of publication; has contained general
news, comments and miscellany; has not duplicated any other publication; has not been entire-
ly made up of patents, plate matter and advertisements; has been circulated at and near its said
place of publication to the extent of 240 copies regularly delivered to paying subscribers; has been
entered as second class mail matter in local post office of its said place of publication; that there
has been on file in the office of the County Auditor of said county the affidavit of a person hav-
ing first hand knowledge of the facts constituting its qualification as a newspaper for publication
of legal notices; and that its publishers have complied with all demands of said County Auditor
for proofs of its said qualification. A copy of each issue has been filed with the State Historical
Society, St. Paul.

Notice of Public Hearing Re Proposed Street

That the printed

Vacation....

hereto attached as a part hereof was cut from the columns of said newspaper; was published

therein in the English language once a week for two successive weeks; that it was
first so published on the 4th day of May, 19 61 and
thereafter on Thursday of each week to and including the 11th
day of May, 19 61, and that the following is a copy of the lower case

alphabet which is acknowledged to have been the size and kind of type used in the publica-
tion of said Notice of Public Hearing Re Proposed Street Vacation....

abcdefghijklmnopqrstuvwxyz

John E. Tilton
Publisher

Subscribed and sworn to before me this 11th day of May, 19 61

Thomas D. Williams
Notary Public, Hennepin County, Minn.
Thomas D. Williams,

My Commission Expires June 16, 1962

(Official Publication)
VILLAGE OF EDINA
HENNEPIN COUNTY, MINNESOTA
NOTICE OF PUBLIC HEARING ON
PROPOSED STREET VACATION
EDINA VILLAGE COUNCIL will
meet at the Village Hall at 7:00 p.m.,
on Monday, May 22, 1961, and will
at said place and time consider the
proposed Vacation of W. 63rd Street
between Concord and Virginia Ave-
nues.
All objections and recommenda-
tions will be heard at said meeting.
BY ORDER OF THE EDINA VIL-
LAGE COUNCIL.
GRETCHEN S. ALDEN
Village Clerk
(May 4-11, 1961)-EC-2A

AFFIDAVIT OF PUBLICATION

Edina-Morningside Courier

Edina, Minnesota

State of Minnesota }
County of Hennepin } SS.

JOHN E. TILTON, being duly sworn, on oath says: that he now is and during all the time herein-

stated has been JOHN E. TILTON, the publisher-----and printer-----of the newspaper known as The Edina-Morningside Courier, and has full knowledge of the facts herein stated.

That for more than one year immediately prior to the publication therein of the printed

Notice of Public Hearing Re Proposed Street Vacation....

hereto attached, said newspaper was printed and published in the English language from its known office of publication within the County of Hennepin, State of Minnesota, on Thursday of each week in column and sheet form equivalent in space to 450 running inches of single column two inches wide; has been issued from a known office established in said place of publication equipped with skilled workmen and the necessary material for preparing and printing the same: THE EDINA-MORNINGSIDE COURIER has had in its makeup not less than twenty-five percent of its news columns devoted to local news of interest to said community it purports to serve, the press work of which has been done in its said known place of publication; has contained general news, comments and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 240 copies regularly delivered to paying subscribers; has been entered as second class mail matter in local post office of its said place of publication; that there has been on file in the office of the County Auditor of said county the affidavit of a person having first hand knowledge of the facts constituting its qualification as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said County Auditor for proofs of its said qualification. A copy of each issue has been filed with the State Historical Society, St. Paul.

That the printed Notice of Public Hearing Re Proposed Street
Vacation....

hereto attached as a part hereof was cut from the columns of said newspaper; was published

therein in the English language once a week for two successive weeks; that it was

first so published on the 4th day of May, 1961 and

thereafter on Thursday of each week to and including the 11th

day of May, 1961, and that the following is a copy of the lower case

alphabet which is acknowledged to have been the size and kind of type used in the publica-

tion of said Notice of Public Hearing Re Proposed Street Vacation....

abcdefghijklmnopqrstuvwxyz

John E. Tilton
Publisher

Subscribed and sworn to before me this 11th day of May, 1961

Thomas D. Williams
Notary Public, Hennepin County, Minn.
Thomas D. Williams,

My Commission Expires June 16, 1962

(Official Publication)
VILLAGE OF EDINA
HENNEPIN COUNTY, MINNESOTA
NOTICE OF PUBLIC HEARING ON
PROPOSED STREET VACATION
EDINA VILLAGE COUNCIL will
meet at the Village Hall at 7:00 p.m.,
on Monday, May 22, 1961, and will
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proposed Vacation of W. 63rd Street
between Concord and Virginia Ave-
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All objections and recommenda-
tions will be heard at said meeting.
BY ORDER OF THE EDINA VIL-
LAGE COUNCIL.
GRETCHEN S. ALDEN
Village Clerk
(May 4-11, 1961)-EC-2A

2

VILLAGE OF EDINA
4801 W. 50th St.
Edina 24, Minn.

May 15, 1961

NOTICE OF PUBLIC HEARING ON
PROPOSED STREET VACATION

at 7:00 P.M.,
EDINA VILLAGE COUNCIL will meet at the Village Hall/on Monday, May 22, 1961,
and will at said place and time consider the proposed Vacation of W.63rd Street
between Concord and Virginia Avenues.

All objections and recommendations will be heard at said meeting.

BY ORDER OF THE EDINA VILLAGE COUNCIL.

GRETCHEN S. ALDEN

Village Clerk

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
VILLAGE OF EDINA)

I, the undersigned, duly appointed and acting Police Patrolman for the Village of Edina,
Hennepin County, Minnesota, do hereby certify that I have posted copies of the foregoing
"Notice of Public Hearing on Proposed Street Vacation" on Official Village Bulletin Boards at -
1. Village Hall. 2. Valley View Road and Wooddale. 3. 54th and France.

Dated 4-29-61 (on utility pole) J. H. Brammer

Signed and sworn to before me, a Notary Public in and
for Hennepin County, Minnesota, this _____ day of _____,
1961.

(GRETCHEN S. ALDEN)

My Commission Expires 1/12/67

2

(Official Publication)
VILLAGE OF EDINA
HENNEPIN COUNTY, MINNESOTA

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

~~XXXXXXXXXX~~

NOTICE OF PUBLIC HEARING ON
PROPOSED STREET VACATION

at 7:00 P.M.,

EDINA VILLAGE COUNCIL will meet at the Village Hall/on Monday, May 22, 1961,
and will at said place and time consider the proposed Vacation of W.63rd Street
between Concord and Virginia Avenues.

All objections and recommendations will be heard at said meeting.

BY ORDER OF THE EDINA VILLAGE COUNCIL.

GRETCHEN S. ALDEN

Village Clerk

Please publish in Edina-Morningside Courier May 4 and 11, 1961.
Please send us 2 Affidavits of Publication.

VILLAGE OF EDINA
4801 W. 50th St.
Edina 24, Minn.

May 15, 1961

NOTICE OF PUBLIC HEARING ON
PROPOSED STREET VACATION

at 7:00 P.M.,

EDINA VILLAGE COUNCIL will meet at the Village Hall/ on Monday, May 22, 1961,

and will at said place and time consider the proposed Vacation of W. 63rd Street

between Concord and Virginia Avenues.

All objections and recommendations will be heard at said meeting.

BY ORDER OF THE EDINA VILLAGE COUNCIL.

GRETCHEN S. ALDEN

Village Clerk

I, the undersigned, do hereby certify that I have, this date mailed to the attached
list the copies of the foregoing Notice of Public Hearing.

Dated this 10th day of May, 1961.

Village Clerk

Public Hearing of May 22, 1961.
Proposed Vacation of N. 63rd St
between Concord and Virginia Aves

Normandale Addn.
Block 1.

Lot 5

E 1/2

A. L. McLean

6222 Concord Ave

W 1/2

O. W. Anderson

6233 Virginia Ave

Replat of Block 10, Normandale.

Block 1.

1

L. P. Beaburn

6300 Concord Ave

14

John E. Haverly

4613 Concord Terr.